

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 1-19 are cancelled without prejudice and replaced with new claims 20-38, respectively.

Claims 20-38 are drawn to a method for inhibiting smooth muscle contraction in a digestive tract by administering an L-menthol-containing formulation to a human digestive tract. Support for these amendments can be found, for example, in Experimental Example 2 on page 18.

No new matter has been introduced by the amendments.

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Su et al. (U.S. Patent 6,897,195). The Office has taken the position that Su et al. discloses a composition containing L-menthol combined with dimethicone, surfactants, and oils.


Su et al. discloses a composition of matter for use as a cooling agent, flavoring agent, or fragrance agent comprising a eutectic mixture of menthol and menthyl lactate. Su et al. does not disclose nor suggest a method for inhibiting smooth muscle contraction in a digestive tract by administering the L-menthol-containing formulation which comprises L-menthol, a surfactant, and an antifoaming agent to a human digestive tract. New claims 20-38 are not obvious over Su et al.

In view of the foregoing amendments and remarks, the present application is in condition for allowance and notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned at the telephone number below.

Respectfully submitted,

Tomonori HAMAWAKI et al.

By: 
Warren M. Cheek
Registration No. 33,367
Attorney for Applicants

WMC/tl
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
August 4, 2008